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established it is true for many years, can scarcely be described as efficient and, unless other considerations are present or other opportunities arise,[1] a man can only obtain redress with difficulty.

I do not propose to digress further on this particular aspect of the changing political situation in Nuerland, but must draw attention to these facts because generalizations about the law as it is administered today are qualified accordingly. We can say, for example, that in Lak country a Nuer will almost certainly obtain compensation for an act of adultery committed with his wife and in that area there can be few adulterers who escape the penalty, but this statement would not be true of Nuong. In Nuong country the courts may be instrumental in bringing a similar dispute to a satisfactory conclusion or they may not. If a dispute is not settled by the intervention of Government-sponsored authorities, then the likelihood of the indemnity being paid to the wronged husband depends largely on sanctions similar to those operative in the past. It is true to say that in those areas where the courts are least effective these sanctions are proportionately stronger, mainly because there is in consequence less public security, and retaliation, the strongest sanction of all, is for this reason much more likely. It would be unsafe to make further generalizations because the likelihood of a dispute being settled, even in these days and even in the most advanced areas, still depends on so many variable and unpredictable circumstances.

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Where courts are concerned we must distinguish between judgement and execution. It is one thing for a court to give judgement and quite another for the judgement to be carried out. Many cases which appear before the courts and appeal courts are no more than demands for execution of a previous judgement. It must be presumed that, if a dispute reaches this stage of legal procedure, it is unlikely that other sanctions unconnected with the court will be effective in bringing about execution once judgement is given. Yet in many cases the main function of the court is to establish publicly and to the satisfaction of both disputants that one of them is in the right. In the past it may have been fully recognized within a community that a man had a definite right to certain cattle, either in fulfilment of some obligation, in settlement of a debt, or as compensation for an injury. There was, however, no organized body representing public opinion to enforce payment. It is true to say that such a body now exists in the court itself and in the administrative agents with executive powers appointed by the Government; but the action taken by them

[1] Such as personal relationships or close friendship with chiefs or notables who have a degree of authority accorded to them by the Government. Similar comparisons may be made between all the different tribal areas in Nuerland. I was struck by the contrast in this particular instance on a visit to the Nuong Nuer.

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in such matters is not always consistent and certainly not equally effective. Moreover there is still everywhere a reluctance to give anything in the nature of a judgement. In many disputes, where the rights of one or other of the disputants are abundantly clear, a rapid and clear-cut decision might be expected. This is rarely forthcoming. Argument swings from one side to another during the course of the proceedings until agreement is reached. When a compromise is not reached to the satisfaction of both complainant and defendant, although the decision is recorded in the court registers, execution is often avoided even though the guilty party is well able to pay the cattle demanded. More often still an appeal is lodged. A dispute frequently passes through all possible stages of litigation; from preliminary negotiations, in which the elders of the community may be consulted, to appearance before the tribal court, to appeal court.[1] Even then there are many instances where attempts are made to bring the same case again and again. This lack of finality is a distinct characteristic of Nuer litigation.

Nevertheless, the general and most obvious effect of administration in the form and application of what we may now call Nuer law is, as already stated, on its relativity. Here we must make a further distinction, because Nuer courts are in fact operating in two different ways. In the first place they are upholding a network of positive obligations inherent in the social system, and in this sense they are becoming more and more the sole mechanism through which the social system is maintained. In the second place they are the means through which definite legal wrongs are righted. A man who does not fulfil a particular duty towards a kinsman may now be brought before the courts in just the same way as one who has infringed a specific right. More and more of what can only be described as custom, convention, or even usage finds its way into the arena of the courts and is applied as law. Evidence of this may be seen in the growing amount of litigation which appears before the courts. The Nuer are pressing, through this means, claims for the fulfilment of obligations which were not in the past normally subjects of dispute at all. There is another reason for this increase in litigation. Paradoxically enough, although there is now greater certainty of obtaining redress through the agency of the courts, the sanctions which in the past made for greater conformity with accepted patterns of behaviour, have themselves been modified by the very existence of the court system, which aims at the maintenance of public security. These sanctions, as we have seen, were principally retaliatory. For example, a man may nowadays commit adultery with another man's wife with the knowledge that he will at least escape death or severe injury at the hands of her husband, even though he knows that detection will almost

[1] Branch and Main Courts. See Appendix II.